IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

Bail Appl..No. 5312 of 2007()

CRIME NO.261/07 OF EDACHERY POLICE STATION

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PETITIONERS/ACCUSED NOS.1 TO 7:

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1. K. BHASKARAN, S/O. KUNHIKANNAN,
   AGED 55/07, MONACHIYIL HOUSE, AZHIYUR AMSOM,DESOM.

2. K. SHAJI, S/O.T. BALAN,
   AGED 28/07, NEELAM KUNIYIL HOUSE,
   AZHIYUR AMSOM, DESOM.

3. PRIJITH KUMAR, S/O. RADHAKRISHNAN,
   SRIKRISHNA HOUSE, AZHIYUR AMSOM, DESOM.

4. KALEESH KUMAR, S/O. KARUNAN,
   AGED 22/07, PALLIVALAPPIL HOUSE,
   AZHIYUR AMSOM, DESOM.

5. V.C. VIJITH, S/O. VISWAN,
   AGED 22/07, VADAKKE CHALIL HOUSE,
   AZHIYUR AMSOM, DESOM.

6. T.P SHAIJISH, S/O. BHASKARAN,
   AGED 27/07, THEKEPUTHANPURAYIL HOUSE,
   AZHIYUR AMSOM, DESOM.

7. P.V. SUJEESH, S/O. BALAN,
   AGED 27/07, PALLIVALAPPIL HOUSE,
   AZHIYUR AMSOM, DESOM

BY ADV. SRI.S.NIRMAL KUMAR

RESPONDENTS: COMPLAINANT:

STATE REPRESENTED BY THE
S.I. OF POLICE, EDACHERY POLICE STATION
(CRIME 261/2007) REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5312 of 2007

Dated this the 6th day of September 2007

O R D E R

Application for regular bail. The petitioners are accused 1 to 7 and they face allegations inter alia under Section 307 read with 149 I.P.C. The crux of the allegations is that the petitioners who belong to the C.P.M had attacked the victims who belong to the B.J.P/R.S.S armed with dangerous weapons. It is alleged that the motive was to attack and cause the death of the victims. It is further alleged that some of the miscreants, in prosecution of their common object, had carried with them dangerous weapons to facilitate the attack on the victims. The alleged incident took place on 9/8/2007. The petitioners were arrested on 10/8/2007. They continue in custody from that date.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Merely because of political animosity and rivalry, false allegations have been raised against the petitioners. The allegation under Section 307 I.P.C has been raised with the sole intention of vexing and harassing

the petitioners. The injury suffered by the victims must suggest to this court that the allegation under Section 307 I.P.C is only an exaggerated and vexatious allegation. At any rate, the petitioners who continue in custody from 10/8/2007 may now be enlarged on bail, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the application but only prays that appropriate conditions may be imposed. The investigator has not received sufficient time to complete the investigation. Reasonable further time may be granted to the investigators to complete the investigation. It is further submitted that since political animosity and rivalry is the cause for the incident, it may be ensured that there is no possibility of recurrence of such violence. Appropriate conditions in this regard may also be imposed, it is prayed.

4. I am, in these circumstances, satisfied that the petitioners can now be directed to be released on bail subject to appropriate conditions. In the absence of opposition, it is not necessary to advert to facts in detail. Suffice it to say that I am persuaded to agree that the petitioners can now be released on bail subject to conditions.

5. In the result, this petition is allowed. The petitioners shall be released on bail on the following terms and conditions:

i) The petitioners shall not be released on bail on the strength of this order prior to 15/09/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

ii) They shall execute bonds for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays, Wednesdays and Fridays, for a period of two months from the date of their release and thereafter as and when directed by the investigating officer in writing to do so.

iv) The petitioners shall not enter the jurisdiction of Edachery police station until further orders without the prior permission of the learned Magistrate except for the purpose of complying with condition No.iii) above.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007